***THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY***

**WRIT PETITION No. 23931 OF 2005**

**DATED: 08.11.2005**

Between:

B.Udaya Kumar.

**... PETITIONER**

AND

Director of Evaluation, JNTU, Administrative Building, Kukatpally, Hyderabad and others.

**... RESPONDENTS**

**ORDER:**

The petitioners are students of II-Year B.Tech (Mechanical Engineering) Course in the 2nd respondent-College. While the 1st petitioner has some backlogs in the I-Year, the 2nd petitioner has cleared all the subjects. For the examinations of I-Semester of II-Year, the last date for payment of fee was 26.10.2005. The petitioners paid the fee. On the next day i.e., on 27.10.2005, the 2nd respondent displayed a notice, furnishing the list of candidates, who are said to be having less than 65% of attendance. The names of the petitioners were also included in the list. The petitioners state that the attendance was not properly marked in the College and that has resulted in shortage of attendance. It is stated that out of 11 candidates, who were shown to be having less than 65% of attendance, six candidates have approached the 1st respondent and he, in turn, passed separate orders on 31.10.2005 and 05.11.2005 directing that the

said six candidates shall be permitted to take the practical and theory examinations, pending enquiry into the allegations of irregularity in marking the attendance. The petitioners contend that they are placed in the same situation as the other candidates and that they also be permitted to take the examinations.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the University.

The relevant Rules prescribed by the University mandate that the candidates must have at least 75% of attendance in the Semester concerned, for being permitted to appear in the examinations. The Vice-Chancellor is conferred with the power to condone the shortage of attendance to an extent of 10%. The College displayed the list of candidates who are having shortage of attendance. The names of the petitioners were indicated therein.

If the percentage of attendance certified by the College were to have been final, there would not have been any necessity for this court to examine the matter further. On a representation made by as many as six students, who were shown along with the petitioners in the notice, dated 27.10.2005, the 1st respondent directed an enquiry. As a measure of fairness to the students and to ensure that the students are not put to hardship, in the meanwhile, the 1st respondent directed that the said six candidates be permitted to take the theory and practical examinations.

It is true that the petitioners did not make such representation, obviously because there was no co-ordination among the affected students. It is stated that the father of the 1st petitioner made such a representation. Be that as it may, once the 1st respondent directed enquiry into the manner and method of marking attendance of the students, there is no reason why the petitioners be singled out. If the enquiry that is ordered by the 1st respondent is extended to

the cases of the petitioners also, no harm would be caused to anyone. On the other hand, if it emerges in the enquiry that the petitioners do not have the requisite attendance, their performance in the examinations can be ignored.

For the foregoing reasons, the Writ Petition is disposed of, directing that the petitioners shall be permitted to take the examinations in the remaining subjects of I-Semester of II-Year B.Tech (Mechanical Engineering) Course as well as backlogs, if any, and that the enquiry directed by the first respondent through his proceedings, dated 31.10.2005 and 05.11.2005, shall cover the cases of the petitioners also. It is made clear that if the enquiry reveals that the petitioners do not have the requisite attendance, their performance in the instant examinations shall not enure to their benefit. There shall be no order as to costs.

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**08.11.2005**

**Jsu**